

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

BRENDA LEE ELAND,

Plaintiff,

v.

Case No. 2:09-cv-227  
HON. R. ALLAN EDGAR

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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**REPORT AND RECOMMENDATION**

Plaintiff filed this action pursuant to 42 U.S.C. § 402 seeking review of a decision of the Commissioner of Social Security. On February 4, 2010, the undersigned issued an Order Directing Filing of Briefs, requiring plaintiff to file her initial brief by March 4, 2010. Plaintiff thereafter filed a motion for an extension of time to file her brief. Plaintiff's motion was granted and plaintiff was provided until April 5, 2010, to file her initial brief. Plaintiff was warned that no further extensions would be granted. Plaintiff has failed to file her initial brief as ordered by this Court. Therefore, it is recommended that plaintiff's action be dismissed in its entirety, pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute.<sup>1</sup> *See Catz v. Chalker*, 142 F.3d 279, 286 (6th Cir. 1998); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Buck v. U.S. Dept. of Agriculture*, 960 F.2d 603 (6th Cir. 1992).

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<sup>1</sup>As a result of plaintiff's failure to file her initial brief, defendant will not be required to file a brief.

NOTICE TO PARTIES: Objections to this Report and Recommendation must be served on opposing parties and filed with the Clerk of the Court within fourteen (14) days of receipt of this Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); W.D. Mich. LCivR 72.3. Failure to file timely objections constitutes a waiver of any further right to appeal. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Timothy P. Greeley  
TIMOTHY P. GREELEY  
UNITED STATES MAGISTRATE JUDGE

Dated: April 29, 2010